

111TH CONGRESS
1ST SESSION

S. 1422

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

Mrs. MURRAY (for herself, Mr. WEBB, Mr. DODD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Flight Crew
5 Technical Corrections Act”.

6 **SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT**
7 **CREWS.**

8 (a) INCLUSION OF AIRLINE FLIGHT CREWS.—Sec-
9 tion 101(2) of the Family and Medical Leave Act of 1993

1 (29 U.S.C. 2611(2)) is amended by adding at the end the
2 following:

3 “(D) AIRLINE FLIGHT CREWS.—

4 “(i) DETERMINATION.—For purposes
5 of determining whether an employee who is
6 a flight attendant or flight crewmember
7 (as such terms are defined in regulations
8 of the Federal Aviation Administration)
9 meets the hours of service requirement
10 specified in subparagraph (A)(ii), the em-
11 ployee will be considered to meet the re-
12 quirement if—

13 “(I) the employee has worked or
14 been paid for not less than 60 percent
15 of the applicable total monthly guar-
16 antee, or the equivalent, for the pre-
17 vious 12-month period, for or by the
18 employer with respect to whom leave
19 is requested under section 102; and

20 “(II) the employee has worked or
21 been paid for not less than 504 hours
22 (not counting time spent on vacation
23 leave or medical or sick leave) during
24 the previous 12-month period, for or
25 by that employer.

1 “(ii) FILE.—Each employer of an em-
2 ployee described in clause (i) shall main-
3 tain on file with the Secretary (in accord-
4 ance with such regulations as the Sec-
5 retary may prescribe) containing informa-
6 tion specifying the applicable monthly
7 guarantee with respect to each category of
8 employee to which such guarantee applies.

9 “(iii) DEFINITION.—In this subpara-
10 graph, the term ‘applicable monthly guar-
11 antee’ means—

12 “(I) for an employee described in
13 clause (i) other than an employee on
14 reserve status, the minimum number
15 of hours for which an employer has
16 agreed to schedule such employee for
17 any given month; and

18 “(II) for an employee described
19 in clause (i) who is on reserve status,
20 the number of hours for which an em-
21 ployer has agreed to pay such em-
22 ployee on reserve status for any given
23 month,

1 as established in the applicable collective
2 bargaining agreement or, if none exists, in
3 the employer's policies.”.

4 (b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT
5 CREWS.—Section 102(a) of the Family and Medical Leave
6 Act of 1993 (29 U.S.C. 2612(a)) is amended by adding
7 at the end the following:

8 “(5) CALCULATION OF LEAVE FOR AIRLINE
9 FLIGHT CREWS.—The Secretary may provide, by
10 regulation, a method for calculating the leave de-
11 scribed in paragraph (1) with respect to employees
12 described in section 101(2)(D).”.

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